

Serial No. 09/805,046

Docket No. 1614.1138

REMARKS**RECEIVED
CENTRAL FAX CENTER****INTRODUCTION:****OCT 20 2006**

In accordance with the foregoing, claims 1, 3, 13, and 15, have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-6 and 8-19 are pending, with claims 1-6, and 13-16 being under consideration.

REJECTION UNDER 35 USC 112

Claims 1-6 and 13-16 stand rejected under 35 USC § 112, second paragraph, as being indefinite. In particular, the Office Action has indicated that the independent claims are missing essential features as it is not clear how the claimed repair status request corresponds to the claimed receiving of the repair request. The Office Action has further indicated that the missing essential feature is the selecting of a particular request process in the claimed conducting of the request process.

Applicants respectfully disagree and respectfully submit that the pending claims are sufficiently definite in view of the present specification and that the addition of additional features is unnecessary.

The pending independent claims have been amended to link the conducting of the request/repair process and the claimed receiving of the repair status request, i.e., that the status request is regarding the selected request/repair process. This amendment should clarify how the claimed status request/repair and the underlying repair are related.

Regarding the Office Action's indication that the claims are missing an essential element of which particular request process was selected, applicants respectfully submit that such a narrowing of the claims is not necessary and unduly limiting. The specification provides alternate manners of proceeding with the repair of a product, as demonstrated in new claim 23, which should clarify that the status inquiry through a shop does not mean that the selected repair process necessarily included the shop, e.g., a customer could have selected the repair be done through a service center, directly between the service center and the customer.

Accordingly, in view of the above amendments, applicants respectfully request that this rejection be withdrawn.

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REJECTION UNDER 35 USC 103

Claims 1-3, 5, and 13-16 stand rejected under 35 U.S.C. 103(a) as being obvious over Wallis et al., US Publication Number 2001/0051884, in view of Groat, U.S. Publication Number 2002/0111884. This rejection is respectfully traversed.

The Office Action has attempted to interpret a majority of the claimed features for the independent claims to be a system where a customer can purchase a product and then later contact the underlying company (either through a local computer or a shop) for a repair status.

Applicants respectfully submit that the claimed invention has previously been argued, and/or now more thoroughly clarified, that the claimed purchase number is for use to subsequently generate and maintain a warranty for a corresponding purchased product and that the creating of the subsequent warranty information is performed outside of the shop or customer-terminal.

Here, the typical systems relied on by the Office action appear to require the warranty information to be generated before purchase of a product. Similarly, regarding applicant's previous amendment to dependent claim 3 claiming the sending of customer information and purchased product information from the shop to the sales information management database, the Office Action has apparently forced the claimed purchased product information and purchase number to be related to a separate service agreement, i.e., an additional service outside of our warranty focus, while the same was not explained or claimed as the same.

Thus, to clarify the claimed invention and to more clearly direct the focus of search of prior art, applicants have amended the independent claims away from both this pre-existing/co-incident warranty information generation and/or service agreement interpretations.

Accordingly, when all claimed features are considered as a whole, it is respectfully submitted that the previous interpretations of the same will more clearly be found to not be applicable to presently claimed invention.

More particularly, applicants respectfully submit that interpretations contrary to applicants previous and current remarks, as well as the description in the current detailed description, are not reasonable and must not be applied against the pending claims.

In view of the above, it is respectfully submitted that it would not have been obvious to modify Wallis et al. in view of Groat to disclose all the claimed features, as a whole.

Therefore, it is respectfully requested that this rejection of claims 1-3, 5, and 13-16 be withdrawn. For at least similar rationale, it is respectfully submitted that claims 4 and 6 are equally in allowable condition.

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OFFICIAL NOTICE OF CLAIM 4

Lastly, in regards to the Office Action's previous taking of Official Notice, applicants maintain their disagreement with the taking of Official Notice and the underlying rationale for the same.

Applicants respectfully further note that the burden of meeting a prima facie obviousness case is first on the Examiner, and that burden cannot be delegated to the applicants, requiring them to contradict or provide countering arguments, when the underlying Official Notice rationale is insufficient for the such a prima facie obviousness case.

Further, though Official Notice may be take in the MPEP cited 'rare' cases, it is respectfully submitted that the taking of Official Notice regarding missing motivation requires substantially more evidence in the record than a taking of Official Notice of a missing feature, as the later may only be particular to the underlying missing feature and the former is a missing linking between two or more references, i.e., something that links a missing feature to a need or desire in the underlying modified references.

Otherwise, the purported 'well known' motivation would exist for each and every case within the general field of the present application, which clearly would be reasonable. Further, there must be some evidence in the record that such motivation is particular to the underlying reference being modified.

Regardless, as noted above, applicants respectfully submit that the pending claims are at least allowable for the above clarifying amendments to the claims, and these brief remarks regarding Official Notice are merely made for the record to clarify applicants position on the same.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art.

Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935..

Respectfully submitted,

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10/20/06

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I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
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on October 20, 2006

STAAS & HALSEY

By: Diana Muha / Diana MuhaDate: 10/20/06